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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,283	04/23/2001	Nicholas Stiliadis	NS2	3319

21710 7590 08/23/2006

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EXAMINER

MA, JOHNNY

ART UNIT PAPER NUMBER

2623

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/840,283	Applicant(s) STILIADIS, NICHOLAS	
	Examiner Johnny Ma	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

It is noted that applicant does not traverse the examiner's assertion of official notice, therefore the well-known in the art statements that it is: well known in the art for patrons to pay an admission fee to attend presentations at a movie theater; that both the concepts and advantages of using e-mail in business transaction are well known and expected in the art; that both the concepts and advantages of using publicly reported data are well known and expected in the art; well known in the art to store billing information in a database; are taken to be admitted prior art.

Response to Arguments

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1 of record) in further view of Bernard et al. (US 5,918,213 of record), and Tivix – The fully-integrated, global, on-line TV program marketplace (“Tivix,” Applicant submitted prior art “18”).

As to claim 1, note the Hunter reference that discloses a system permitting the display of video or still image content on selected displays of an electronic display network according to

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customer dictates wherein the Hunter reference discloses “[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer’s movie theater” (Hunter [0060]). The claimed “receiving multimedia material [...] from a producer or owner of said multimedia material” is met by “the operators of digital movie theaters have ongoing, continuous access to tens of thousands of movies that can be ordered in digital form for display on selected ‘screens’ at their theaters at selected times” (Hunter [0013]) through a central information processing station (Hunter [0060]) wherein the movies originate from a movie producer or content owner (Hunter [0063]). Note it is inherent that the central processing station receive the multimedia material from the producer or owner of said material in order for the central processing station to make the material available for purchase by movie theater operators. Further note, the Hunter reference discloses a method of advertising (Hunter [0012]) but is silent as to the utilization of associated advertisements. Now note the Tivix reference that teaches “[a]fter purchasing a title, buyers can quickly, conveniently download photos, scripts, music cue sheets, program synopses and cast bios [and] [a]uthorized buyers have access to digitized program press kits, including photos, video promos, advertising, radio spots and more” (Tivix, pg. 4). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter central processing station for storing and selling movies with the Tivix associated advertisements for the purpose of providing a buyer of the movies with advertising material in order to market the purchased movie for achieving higher profitability from the purchased movie. Note that the claimed “receiving [...] associated advertising material” is met by the Hunter and Tivix combination as discussed above wherein it is inherent that the advertising material be received

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by the central processing station in order for it to be distributed. The claimed “storing said multimedia material and associated advertising material on a computer readable storage medium in a digital format” is met by the Hunter and Tivix combination as discussed above wherein the central processing station stores data in digital form. The claimed “providing a server system accessible over a communication network” is met by “[a]customer of system 220, a responsible party representing the movie theater and referred to herein as a movie theater operator, may access a central information processing station of the system via the Internet through a Customer Interface Web Server 240” (Hunter [0060]). The claimed “said producer or owner being linked with the server system” is met by the provision of material by the producer or owner as discussed above. The claimed “said server system accessing said digital format from said computer readable storage medium for transfer over said communication network” is met by “[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer’s movie theater” (Hunter 0061)) wherein the transmission of content may occur via the Internet (Hunter [0062, 0024-0033]). Further note, the Hunter reference discloses “[f]ollowing access, the customer reviews options concerning his order by reviewing the available movies through a review Available Movies and Purchase module 260 that permits the customer to see what movies are available” (Hunter [0060]). However, the Hunter reference is silent as to providing samples. Now note the Bernard et al. reference that discloses a system and method for automated remote previewing and purchasing of music, video, software, and other multimedia products. The claimed “providing samples of said digital format from said server system over said communication network to potential purchasers, said purchasers being linked to the server system” is met by “where the product is movies, the purchaser can select a particular

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movie to preview before actually purchasing or renting the movie. In this scenario, a sample portion of the movie, or an actual preview, is provided to the customer for his or her sampling” (Bernard 3:30-36). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter reviewing of available movies with the Bernard et al. previewing of movies so “users can sample portions of selected title to determine whether or not it is a product they would actually like to...purchase” (Bernard 3:23-29). The claimed “downloading upon request of said purchasers, over said communication network, said digital format of said multimedia material from said server system” is met by the Hunter and Tivix combination as discussed above wherein “[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer’s movie theater” (Hunter [0061]). The claimed “providing said digital format of said advertising material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material” is met by the Hunter and Tivix combination as discussed above teaching the central processing station providing movies and associated advertising in digital format wherein “ [a]uthorized buyers have access to digitized program press kits, including photos, video promos, advertising, radio spots and more” (Tivix, pg. 4). The claimed “wherein purchaser is an exhibitor exhibiting said multimedia material in a public theater to a number of individuals” is met by “[a] customer of system 220, a responsible party representing the movie theater and referred to herein as a movie theater operator, may access a central information processing station of the system...that permits the customer to see what movies are available, and thereafter schedule and purchase a movie for display utilizing one or more of the customer’s electronic movie display devices 230” (Hunter

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[0060]). However, the Hunter reference does not specifically disclose “in exchange for a paid admission or a broadcast exhibitor.” Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art for patrons to pay an admission fee to attend presentations at a movie theater so that a movie theater may generate revenue and thus continue to provide screening services to patrons. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter movie theater presentation accordingly for the above stated advantages.

As to claim 2, please see rejection of claim 1.

As to claim 6, the claimed “including downloading digital material from said server system for digital display to an audience” is met by “means for transmitting digital movie content to the movie theaters...The server (storage device) at each movie theater is programmed at the time the theater owner places an order for a movie to receive and store the particular movie when it is transmitted so that it can be available for screening at the theater at the desired time” (Hunter [0062]).

As to claim 7, the claimed “including providing downloadable advertising materials on said server system” is met by the Hunter and Tivix combination as discussed in the rejection of claim 1, wherein advertising content is transmitted to the movie theater (Hunter [0021,0023]).

4. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1 of record) in further view of Bernard et al. (US 5,918,213 of record), Tivix – The fully-integrated, global, on-line TV program marketplace (“Tivix,” Applicant submitted prior art “18”), and Guido et al. (US 5,924,013 of record).

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As to claim 3, the claimed “wherein receiving multimedia material includes receiving non-digital media selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape.” Note, the Hunter reference discloses “[t]he movie theater operator is a customer of a system that permits the customer to review movies that are available in digital form and thereafter schedule and purchase a movie for display on the digital movie screens located at the customer’s theater” (Hunter [0013]). However, the Hunter reference is silent as to the medium over which such multimedia material is received. Now note the Guido et al. reference that discloses “wherein receiving multimedia material includes receiving non-digital media [selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape]” wherein “[t]he central site includes a converter 8 which converts each frame of cinematographic movie film into a corresponding collection of digital data” (Guido 3:41-43) for storage (Guido 3:41-62; 6:1-3). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter available movies from a central location with the Guido et al. receipt and processing of celluloid media for the purpose of providing a medium for transferring multimedia material to the central location for purchase by movie theater operators.

As to claim 4, the claimed “including the step of digitizing said non-digital media for storage on said computer readable storage medium” is met by that discussed in the rejection of claim 3.

As to claim 5, the claimed “including providing a server system accessible over a public communication system” is met by that discussed in the rejection of claim 1 wherein the Guido et

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al. reference discloses server access over a public or private telephone network” (Guido 4:36-38).

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1) in further view of Tivix – The fully-integrated, global, on-line TV program marketplace (“Tivix,” Applicant submitted prior art “18”), Bernard et al. (US 5,918,213), Sprogis (US 2004/0093608 A1), and Vinson et al. (US 2003/0172374 A1).

As to claim 8, the claimed “further comprising collecting [...] information from exhibitor recipients of said multimedia material” is met by “[t]he operating system preferably has a modem that may be queried by the system’s billing system on a periodic basis to bill the account” (Hunter [0063]) “[t]he system may also include means for generating royalty payment information for use in paying the content providers for the display of their movies” (Hunter [0013]). However, the Hunter reference does not specifically disclose that the collected information comprises sales information. Now note the Sprogis reference that discloses collecting box office sales information to calculate audience exposure and for billing purposes (Sprogis [0029]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter collecting of information for billing with the Sprogis collection of ticket sales for the purpose providing accurate royalty payments to producers based on actual consumer consumption. Further note, the Hunter reference discloses “[i]nformation from verification archives module 150 is utilized by a demographic analysis module 170 to generate information for reports to be sent to customers after their advertisements have run” (Hunter [0036]). The Hunter and Sprogis combination teaches maintaining sales information. However, the Hunter reference is silent as to

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“and providing sales and marketing data based upon information from said users of said server system.” Now note the Vinson et al. reference that discloses providing viewing behaviors data to users upon request (Vinson [0018,0089]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter and Sprogis sales data with the Vinson et al. reporting of viewing behaviors data for the purpose of providing the movie theater operator marketing information in which to make better business decisions regarding the scheduling and selection of motion pictures to present.

As to claim 9, the claimed “including providing marketing data based upon actual users of said server system” is met by that discussed in the rejection of claim 8.

6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1 of record) in further view of Sood (US 6,233,523 of record) and Tivix – The fully-integrated, global, on-line TV program marketplace (“Tivix,” Applicant submitted prior art “18”).

As to claim 10, note the Hunter reference that teaches a system permitting the display of video or still image content on selected displays of an electronic display network according to customer dictates. The claimed “transferring said digital formats to a theater via a communications network and storing said digital formats on a computer readable memory located at said theater” is met by “[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer’s movie theater” (Hunter [0061] and the downloading of advertising to server 100 (Hunter [0023])). The claimed “projecting said movie in said digital format using a digital projector onto a screen for display to an audience” is met by “[t]he movie theater operator is a customer of a system that permits the

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customer to review movies that are available in digital form and thereafter schedule and purchase a movie for display on the digital movie screens located at the customer's movie theater" (Hunter [0013]). Further note, the Hunter reference teaches "[a] customer of system 220, a responsible party representing the movie theater operator, may access a central information processing station of the system" for purchasing movies (Hunter [0060]). However, the Hunter reference is silent as to the method movies are obtained by the central information processing station.

Now note the Sood reference that teaches a method for converting data on a celluloid into a digital format teaching receipt of celluloid film which is digitized at a later point in time (Sood 3:40-45) which meets the claimed "receiving a movie on celluloid" and "scanning said movie and converting it into a digital format." Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter central information processing station for storing a plurality of movies in digital format with the Sood receipt of celluloid film and digitization for the purpose of providing a source and method for acquiring movies for sale from the central processing station. However, the Hunter and Sood combination is silent as to the receipt of associated advertising material. Now note the Tivis reference that teaches "[a]fter purchasing a title, buyers can quickly, conveniently download photos, scripts, music cue sheets, program synopses and cast bios [and] [a]uthorized buyers have access to digitized program press kits, including photos, video promos, advertising, radio spots and more" (Tivix, pg. 4). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter central processing station for storing and selling movies with the Tivix associated advertisements for the purpose of providing a buyer of the movies with advertising material in

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order to market the purchased movie for achieving higher profitability from the purchased movie. Note that the claimed “receiving [...] associated advertising material” is met by the Hunter and Tivix combination as discussed above wherein it is inherent that the advertising material be received by the central processing station in order for it to be distributed.

As to claim 11, note the Hunter reference that teaches a system permitting the display of video or still image content on selected displays of an electronic display network according to customer dictates. The claimed “a first central processing unit” and “a first memory associated with said first central processing unit” are met by “[a] customer of system 220, a responsible party representing the movie theater and referred to herein as a movie theater operator, may access a central information processing station of the system via the Internet through a Customer Interface Web Server 240” for accessing a plurality of available movies stored in digital form (Hunter [0060, 0013]) wherein a central processing unit and memory are inherent to the web server device. The claimed “a communications network accessible by said first central processing unit for transferring data into and out of said first memory” is met by the transmission of digital movie content to the movie theaters via a communications network such as the Internet (Hunter [0062, 0024-0033]). The claimed “an input device connected for data transfer to said first central processing unit,” “said input device receiving multimedia material,” “and transferring said materials into said first memory in a digital format via said central processing unit” is met by the central information processing station that stores a plurality of movies in digital form (Hunter [0060]) wherein an input device is inherent to the central processing station in order to provide digital content movies to movie theater operators. However, the Hunter reference is silent as to the receipt of associated advertising material. Now note the Tivis

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reference that teaches “[a]fter purchasing a title, buyers can quickly, conveniently download photos, scripts, music cue sheets, program synopses and cast bios [and] [a]uthorized buyers have access to digitized program press kits, including photos, video promos, advertising, radio spots and more” (Tivix, pg. 4). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter central processing station for storing and selling movies with the Tivix associated advertisements for the purpose of providing a buyer of the movies with advertising material in order to market the purchased movie for achieving higher profitability from the purchased movie. Note that the claimed “said input device receiving [...] associated advertising material” is met by the Hunter and Tivix combination as discussed above wherein it is inherent that the advertising material be received by the central processing station in order for it to be distributed. The claimed “a second central processing unit” and “a second memory, said second memory associated with said second central processing unit” are met by server 300 associated with the customer’s movie theater (Hunter [0061]). The claimed “said communications network being accessible by said second central processing unit for transferring said digital format into and out of said second memory” is met by the communications network for receiving the movie at the server associated with a movie theater and the communications network for display of the movie onto the display (Hunter [0061, 0065-0069, 0013]). The claimed “a digital feature film projector in data communication with said second central processing unit for displaying said digital format as a feature film onto a screen for presentation to an audience” is met by a digital feature film projector connected to server 300 for display of the movie (Hunter [0061, 0065-0069, 0013]). The claimed “said feature film being stored in said digital format in said second memory after being transferred via

said communications network from said first memory” is met by “[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer’s movie theater” (Hunter [0061]) wherein a memory is inherent to the receipt of the transmitted movie by server 300.

7. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1 of record) in further view of Guido et al. (US 5,924,013 of record), and Tivix – The fully-integrated, global, on-line TV program marketplace (“Tivix,” Applicant submitted prior art “18”).

As to claim 12, note the Hunter reference that discloses a system permitting the display of video or still image content on selected displays of an electronic display network according to customer dictates wherein “[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer’s movie theater” (Hunter [0060]). The claimed “receiving multimedia material from a producer or owner of said multimedia material” is met by input module 470 “also serving to transmit movies in digital form to movie theaters having a server 100M and electronic movie display devices 30” (Hunter [0070]) wherein the movies originate from a movie producer or content owner (Hunter [0063]). Further note, the Hunter reference discloses “[a]ccording to this embodiment of the invention, input module 470 transmits advertising content to displays 30..while also serving to transmit movies” (Hunter [0070]) wherein “the customer transmits the advertising content...for receipt by the system’s Video & Still Image Review and Input module 70” (Hunter [0022]) and “[t]he video & still image review and input module 70 permits a system security employee to conduct a content review...prior to the content being read to the server 100 associated with each display 30 where

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the content being transmitted to the server 100 will be displayed” (Hunter [0023]). However, the Hunter reference does not specifically disclose that the input module 470 is a server. Now note the Guido et al. reference that discloses a method and apparatus for transmitting motion picture cinematic information for viewing in movie theaters and ordering method thereof. The claimed storing material on a computer readable storage medium is met by central site 2 includes a digital storage unit 14 for storing movies (Guido 3:37-62). The claimed “providing a server system accessible over a communication network” is met by “[t]o order a movie, the second computer 40 initiates communication with the first computer 12 at the central site 2 via a communication network 50” (Guido 4:36-38). The claimed said server system accessing data from said computer readable storage medium for transfer of said material in a digital format from said server system over said communication network is met by the transmission of the movie from central site to second computer wherein it is inherent that the stored movie be read from digital storage for transmission (Guido 3:49-62; 54-5:33). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter input module 470 for providing movies and advertising to a movie theater with the Guido et al. server for providing movie and advertising material for the purpose of providing a well known mechanism for providing content to a requesting entity. The claimed “said server system accessing said advertising material from said computer readable storage medium for transfer of said advertising material in a digital format from said server system over said communication network” is met by the Hunter and Guido et al. combination as discussed above wherein advertisements are provided to the movie theater via a server. Note, the Hunter and Guido et al. combination discloses storing advertising material on a computer readable

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storage, as discussed above. Furthermore, the Hunter reference discloses “commercial advertisers, such as consumer product companies and the advertising agents that represent them, directly access a network of multiple, large, high resolution electronic displays located in high traffic areas and directly send their own advertisement electronically to the network to be displayed at locations and times selected by the advertisers” (Hunter [0012]) wherein “[t]he displays may be located in...movie theaters” (Hunter [0021]). However, the Hunter reference does not specifically disclose that the advertisements are associated with the multimedia material. Now note the Tivix reference that teaches “[a]fter purchasing a title, buyers can quickly, conveniently download photos, scripts, music cue sheets, program synopses and cast bios [and] [a]uthorized buyers have access to digitized program press kits, including photos, video promos, advertising, radio spots and more” (Tivix, pg. 4). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter advertising in movie theaters with the Tivix associated advertisements for the purpose of raising consumer awareness about movies currently being presented at the movie theater and motivate consumption. . Note that the claimed “receiving [...] associated advertising material” is met by the Hunter and Tivix combination as discussed above wherein it is inherent that the advertising material be received by the central processing station in order for it to be distributed. The claimed “establishing an account for a broadcast or live theater exhibitor” is met by “[t]he customer interface web server has a commerce engine and permits the customer to obtain and enter security code and billing code information into a Network Security Router/Access module 50...Following access...” (Hunter [0060]). The claimed “providing said multimedia material to said exhibitor” is met by “[f]ollowing scheduling

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and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer's movie theater" (Hunter [0061]). The claimed "downloading said advertising material [...] over said server system" is met by the Hunter, Guido et al., and Tivix. combination as discussed above wherein "the [advertising] content being read to the server 100 associated with each display 30 where the content being transmitted to the server 100 will be displayed" (Hunter [0023]). The claimed "[downloading said advertising material] upon request from said customer for said advertising material" is met by the Hunter and Tivix combination as discussed above wherein the Tivix reference teaches granting access to associated advertisements to the purchaser of the movie. The claimed "following up to determine information necessary to calculate an amount owed by said customer for said multimedia material" and "charging the account of said exhibitor with the amount owed" are met by "[t]he operating system preferably has a modem that may be queried by the system's billing system on a periodic basis to bill the account" (Hunter [0063]) wherein "[t]he system may also include means for generating royalty payment information for use in paying the content providers for the display of their movies" (Hunter [0013]).

As to claim 13, the claimed "including receiving multimedia material by downloading via said communication network" is met by that discussed in the rejection of claim 12.

As to claim 14, the claimed "wherein receiving multimedia material includes receiving non-digital media [selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape]." Note, the Hunter reference discloses "[t]he movie theater operator is a customer of a system that permits the customer to review movies that are available in digital form and thereafter schedule and purchase a movie for display on the digital movie screens

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located at the customer's theater" (Hunter [0013]). However, the Hunter reference is silent as to the medium over which such multimedia material is received. Now note the Guido et al. reference that discloses "wherein receiving multimedia material includes receiving non-digital media [selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape]" wherein "[t]he central site includes a converter 8 which converts each frame of cinemagraphic movie film into a corresponding collection of digital data" (Guido 3:41-43) for storage (Guido 3:41-62; 6:1-3). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter available movies from a central location with the Guido et al. receipt and processing of celluloid media for the purpose of providing a medium for transferring multimedia material to the central location for purchase by movie theater operators. The claimed "and wherein said multimedia material is provided to said exhibitor using an electronic communications network" is met by that discussed in the rejection of claim 12.

As to claim 15, the claimed "wherein said follow-up is implemented by sending an e-mail to said exhibitor." Hunter does not expressly teach said follow-up is implemented by sending an e-mail to said customer. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of using e-mail in business transaction are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used email to follow up with the customer because email is a fast and cost effective method of communication when Internet service is available.

As to claim 16, the claimed "wherein said follow-up is implemented by consulting publicly reported data respecting said exhibitor. The Hunter reference does not expressly teach

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said follow-up is implemented by consulting publicly reported data respecting said customer. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of using publicly reported data are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have implemented a follow up by consulting publicly reported data respecting said customer's publicly listed telephone number or address publicly reported data (such as a listed phone number or mailing address) are reliable means of communication in a business transaction.

As to claim 17, the claimed "further comprising providing advertising material to purchasers over said communication network" is met by that discussed in the rejection of claim 12 wherein advertising is provided via a server. The claimed "and exhibitors to locally market and sell said multimedia material" is met by Hunter et al., Guido et al., and Tivix combination wherein advertisements are displayed in movie theaters (Hunter [0021,0023]).

As to claim 18, the claimed "further comprising querying said exhibitor to stimulate the sending of data from said exhibitor" is met by "[t]he operating system preferably has a modem that may be queried by the system's billing system on a periodic basis to bill the account" (Hunter [0063]). However, the Hunter reference does not specifically disclose recording said data into a database. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to store billing information in a database for the purpose of record keeping and to maintain the data in a readily accessible manner to generate bills to clients. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter billing collection accordingly for the above stated advantages.

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8. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1 of record) in further view of Guido et al. (US 5,924,013 of record), Tivix – The fully-integrated, global, on-line TV program marketplace (“Tivix,” Applicant submitted prior art “18”), Sprogis (US 2004/0093608 A1 of record), and Vinson et al. (US 2003/0172374 A1 of record).

As to claim 19, the claimed “comprising providing marketing data recorded in said database to customers in response to a query from a exhibitor.” The Hunter reference discloses “[t]he operating system preferably has a modem that may be queried by the system’s billing system on a periodic basis to bill the account” (Hunter [0063]) “[t]he system may also include means for generating royalty payment information for use in paying the content providers for the display of their movies” (Hunter [0013]). However, the Hunter reference does not specifically disclose that the collected information comprises sales information. Now note the Sprogis reference that discloses collecting box office sales information to calculate audience exposure and for billing purposes (Sprogis [0029]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter collecting of information for billing with the Sprogis collection of ticket sales for the purpose providing accurate royalty payments to producers based on actual consumer consumption. Further note, the Hunter reference discloses “[i]nformation from verification archives module 150 is utilized by a demographic analysis module 170 to generate information for reports to be sent to customers after their advertisements have run” (Hunter [0036]). The Hunter and Sprogis combination teaches maintaining sales information. However, the Hunter reference is silent as to “comprising providing marketing data recorded in said database to

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customers in response to a query from a exhibitor.” Now note the Vinson et al. reference that discloses providing viewing behaviors data to users upon request (Vinson [0018,0089]).

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter and Sprogis sales data with the Vinson et al. reporting of viewing behaviors data for the purpose of providing the movie theater operator marketing information in which to make better business decisions regarding the scheduling and selection of motion pictures to present.

As to claim 20, the claimed “including providing marketing data based upon actual users of said server system,” please see rejection of claim 19.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1 of record) in further view of Bernard et al. (US 5,918,213 of record), Tivix – The fully-integrated, global, on-line TV program marketplace (“Tivix,” Applicant submitted prior art “18”), and Sprogis (US 2004/0093608 A1 of record).

As to claim 21, note the Hunter reference that discloses a system permitting the display of video or still image content on selected displays of an electronic display network according to customer dictates. The claimed “receiving multimedia material [...] from a producer or owner of said material” is met by “the operators of digital movie theaters have ongoing, continuous access to tens of thousands of movies that can be ordered in digital form for display on selected ‘screens’ at their theaters at selected times” (Hunter [0013]) through a central information processing station (Hunter [0060]) wherein the movies originate from a movie producer or content owner (Hunter [0063]). Note it is inherent that the central processing station receive the multimedia material from the producer or owner of said material in order for the central

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processing station to make the material available for purchase by movie theater operators.

Further note, the Hunter reference discloses a method of advertising (Hunter [0012]) but is silent as to the utilization of associated advertisements. Now note the Tivix reference that teaches “[a]fter purchasing a title, buyers can quickly, conveniently download photos, scripts, music cue sheets, program synopses and cast bios [and] [a]uthorized buyers have access to digitized program press kits, including photos, video promos, advertising, radio spots and more” (Tivix, pg. 4). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter central processing station for storing and selling movies with the Tivix associated advertisements for the purpose of providing a buyer of the movies with advertising material in order to market the purchased movie for achieving higher profitability from the purchased movie. Note that the claimed “receiving [...] associated advertising material” is met by the Hunter and Tivix combination as discussed above wherein it is inherent that the advertising material be received by the central processing station in order for it to be distributed. The claimed “storing said multimedia material and associated advertising material on a computer readable storage medium in a digital format” is met by the Hunter and Tivix combination as discussed above. The claimed “providing a server system accessible over a communication network” is met by “[a]customer of system 220, a responsible party representing the movie theater and referred to herein as a movie theater operator, may access a central information processing station of the system via the Internet through a Customer Interface Web Server 240” (Hunter [0060]). The claimed “said producer or owner being linked with the server system” is met by the provision of material by the producer or owner as discussed above. The claimed “said server system accessing said digital format from said computer

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readable storage medium for transfer over said communication network” is met by “[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer’s movie theater” (Hunter 0061)) wherein the transmission of content may occur via the Internet (Hunter [0062, 0024-0033]). Further note, the Hunter reference discloses “[f]ollowing access, the customer reviews options concerning his order by reviewing the available movies through a review Available Movies and Purchase module 260 that permits the customer to see what movies are available” (Hunter [0060]). However, the Hunter reference is silent as to providing samples. Now note the Bernard et al. reference that discloses a system and method for automated remote previewing and purchasing of music, video, software, and other multimedia products. The claimed “providing samples of said digital format from said server system over said communication network to potential purchasers, said purchasers being linked to the server system” is met by “where the product is movies, the purchaser can select a particular movie to preview before actually purchasing or renting the movie. In this scenario, a sample portion of the movie, or an actual preview, is provided to the customer for his or her sampling” (Bernard 3:30-36). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter reviewing of available movies with the Bernard et al. previewing of movies so “users can sample portions of selected title to determine whether or not it is a product they would actually like to...purchase” (Bernard 3:23-29). The claimed “downloading upon request of said purchasers, over said communication network, said digital format of said multimedia material from said server system” is met by the Hunter and Tivix combination as discussed above wherein “[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated

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with the customer's movie theater" (Hunter [0061]). Further note, the Hunter reference discloses "[t]he system may also include means for generating royalty payment information for use in paying the content providers for the display of their movies" (Hunter [0013]). Note the Hunter reference discloses "[t]he operating system preferably has a modem that may be queried by the system's billing system on a periodic basis to bill the account" (Hunter [0063]) "[t]he system may also include means for generating royalty payment information for use in paying the content providers for the display of their movies" (Hunter [0013]). However, the Hunter reference does not specifically disclose "querying said customer to stimulate the sending of ticket sales data from said customer.". Now note the Sprogis reference that discloses collecting box office sales information to calculate audience exposure and for billing purposes (Sprogis [0029]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter collecting of information for billing with the Sprogis collection of ticket sales for the purpose providing accurate royalty payments to producers based on actual consumer consumption. However, the Hunter reference does not specifically disclose recording said data into a database. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to store billing information in a database for the purpose of record keeping and to maintain the data in a readily accessible manner to generate bills to clients. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter billing collection accordingly for the above stated advantages.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1 of record) in further view of Bernard et al. (US 5,918,213 of record), Tivix –

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The fully-integrated, global, on-line TV program marketplace (“Tivix,” Applicant submitted prior art “18”), Sprogis (US 2004/0093608 A1 of record), and Vinson et al. (US 2003/0172374 A1 of record).

As to claim 22, the claimed “comprising providing marketing data recorded in said database to customers in response to a query from a customer.” Note, the Hunter reference discloses “[i]nformation from verification archives module 150 is utilized by a demographic analysis module 170 to generate information for reports to be sent to customers after their advertisements have run” (Hunter [0036]). The Hunter and Sprogis combination teaches maintaining sales information. However, the Hunter reference is silent as to “comprising providing marketing data recorded in said database to customers in response to a query from a customer.” Now note the Vinson et al. reference that discloses providing viewing behaviors data to users upon request (Vinson [0018,0089]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter and Sprogis sales data with the Vinson et al. reporting of viewing behaviors data for the purpose of providing the movie theater operator marketing information in which to make better business decisions regarding the scheduling and selection of motion pictures to present.

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1 of record) in further view of Tivix – The fully-integrated, global, on-line TV program marketplace (“Tivix,” Applicant submitted prior art “18”) and Bernard et al. (US 5,918,213 of record).

As for Claim 23, the limitations of Claim 23 fall within the limitations of Claim 11. Claim 23 is analyzed and rejected as previously show on Claim 11. Claim 23 further

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requires the limitation of having a third memory domain for receiving market data in response to an order for said multimedia product. Hunter does not expressly teach having a third memory domain for receiving market data in response to an order for said multimedia product. However, in the same field of endeavor, Bernard et al. teach storing market data in response to an order for a multimedia product. See Bernard et al. col. 4 line 67 - col. 5 line 5 "The system comprises an interface unit which provides the front-end interface to the customers, an interactive transaction database for storing important information regarding the system and its customers, and, optionally, a customer service center for handling special situations which may arise from time to time with customers." In light of the teaching of Bernard et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teaching of Hunter to include a third memory domain for receiving and storing important market data (such as vital customer information) in response to an order for a multimedia product. One of ordinary skill in the art would have been motivated to have a third memory domain for storing market data in order to keep a profile on the customers so the customer's personal preference can be stored in memory and customers do not have to enter personal information again.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jm


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